

ARTICLE 60

(Zoning Bylaw Amendment: Mixed-income Residential Development (MIRD) Special Permit)

To see if the Town will vote to amend Chapter 139 (Zoning) of the Code of the Town of Nantucket §7, subsection I, "Mixed-income residential development (MIRD) special permit," as follows *(NOTE: New language is shown as highlighted text, language to be deleted is shown by strikeout; these methods to denote changes are not meant to become part of final text. All numbered elements shall be renumbered to agree with those elements deleted or added):*

I. Mixed-income residential development (MIRD) special permit.

- (1) The purpose of this subsection is to encourage the creation of affordable ~~housing houses on Nantucket by giving landowners through~~ the option of subdividing two or more lots shown on a conventional or cluster subdivision plan ~~so as to create a mixed-income residential development (MIRD)~~. For each lot brought into the MIRD subdivision, the second-dwelling right can be converted into an additional, separately owned "bonus" lot carrying an affordable housing covenant. (All affordable lots are "bonus" lots.) The affordable lots and an equal number of market-rate lots are restricted to one dwelling per lot. The total number of houses allowed in the MIRD subdivision is the same as the total number allowed on the land being subdivided.

- (2) The following definitions apply to this § 139-7I:

~~AFFORDABLE 80 COVENANT — A Nantucket Housing Needs Covenant—Ownership Form, as defined in Chapter 100 of the Code of the Town of Nantucket, with a provision in perpetuity that the subject lot with dwelling thereon shall be owned and occupied by a household earning no more than 80% of the Nantucket County median household income adjusted for family size.~~

~~AFFORDABLE 80 LOT — A buildable lot on a MIRD Plan that is subject to an Affordable 80 Covenant.~~

~~AFFORDABLE 150 COVENANT — A Nantucket Housing Needs Covenant—Ownership Form, as defined in Chapter 100 of the Code of the Town of Nantucket, with a provision in perpetuity that the subject lot with dwelling thereon shall be owned and occupied by a household earning no more than 150% of the Nantucket County median household income.~~

~~AFFORDABLE 150 LOT — A buildable lot on a MIRD Plan that is subject to an Affordable 150 Covenant cluster development; a subdivision created pursuant to § 139-7B.~~

CONVENTIONAL SUBDIVISION – A subdivision that conforms or once conformed to the intensity regulations of § 139-16 or preexists the enactment of the Nantucket Zoning Bylaw.

MARKET-RATE LOT – A buildable lot on a MIRD Plan that is not an affordable lot.

MIRD PLAN – A subdivision plan that is created by subdividing land pursuant to this § 139-7I.

NANTUCKET HOUSING NEEDS COVENANT-OWNERSHIP FORM – Shall mean a covenant affecting the title to real property, created pursuant to Chapter 100 of the Code of the Town of Nantucket, which relates to and regulates the terms of the purchase, sale and ownership of real property not held as a condominium (the "NHNC-Ownership Form").

NHNC PROGRAM – The Nantucket Housing Needs Covenant Program set forth in Chapter 100 of the Code of the Town of Nantucket and regulations thereunder.

ORIGINAL LOTS – The lots on an original plan that comprise the land being subdivided to create a MIRD Plan.

ORIGINAL PLAN – An AR or ANR plan endorsed or otherwise approved by the Planning Board showing a conventional subdivision or a cluster development, but neither a previously created MIRD Plan nor a plan created pursuant to § 139-7F (major residential development) shall qualify as an original plan.

TWO-DWELLING LOT – A lot on which two dwellings legally can be built, such determination to be made with regard to the provisions of this Zoning Bylaw, applicable special permits and variances, deed restrictions and other documents of record, health regulations, and restrictions mandated by the Planning Board.

- (3) By grant of special permit the Planning Board may allow creation of a MIRD subdivision as provided in this § 139-7I in all districts except the MMD, the following zoning districts: Multi-family Overlay (MF); Residential Commercial Downtown (RCDT); Moorlands Management (MMA); and shall not apply to major commercial developments, (§ 139-11); major residential developments (§ 139-7D).
- (4) Any two or more two-dwelling lots on an original plan Original Plan, whether or not in common ownership, may be subdivided to create a MIRD Plan. Lots on an original plan Original Plan that do not qualify as two-dwelling lots shall not be included in the land being subdivided on the

MIRD Plan. ~~(The lots on an original plan that comprise the land on the MIRD Plan are referred to herein as "original lots.")~~

- (5) The number of market-rate lots shall equal the number of original lots. Market-rate lots shall be designated as such on the MIRD Plan.
- (6) The number of affordable lots shall be a number that is at least 25% but not more than 100% of the number of original lots. (A fraction of a lot shall be counted as a whole lot.) Each affordable lot shall be so designated on the MIRD Plan.
- ~~(7) At least 25% of the affordable lots shall be designated as Affordable 80 Lots. (A fraction of a lot shall be counted as a whole lot.) The remaining affordable lots shall be designated as Affordable 150 Lots.~~
- (8) (7) Affordable lots shall be restricted as follows: Each affordable lot shall be made subject to the appropriate affordable covenant **NANTUCKET HOUSING NEEDS COVENANT-OWNERSHIP FORM** prior to the issuance of a building permit for construction of a dwelling on that lot; except that an affordable lot on which there is a dwelling existing at the time of the Planning Board's endorsement of the MIRD Plan, or for which a building permit was issued prior to such endorsement, shall be made subject to the covenant **NANTUCKET HOUSING NEEDS COVENANT-OWNERSHIP FORM** at or before the time of such endorsement.
 - ~~(a) Each affordable lot shall be made subject to the appropriate affordable covenant prior to the issuance of a building permit for construction of a dwelling on that lot; except that an affordable lot on which there is a dwelling existing at the time of the Planning Board's endorsement of the MIRD Plan, or for which a building permit was issued prior to such endorsement, shall be made subject to the covenant at or before the time of such endorsement.~~
 - ~~(b) The Planning Board, after consulting with the Nantucket Housing Authority or its designee, shall impose conditions in the MIRD special permit as necessary to ensure that each affordable lot will meet the requirements of the NHNC Program.~~
- (9) (8) All affordable lots and an equal number of market-rate lots shall be restricted to one dwelling per lot. Each affordable and market-rate lot that is restricted to one dwelling shall be so designated on the MIRD Plan.
- (10) (9) No office or studio, other than an office or studio within a dwelling, shall be built in a MIRD subdivision on a lot that is restricted to one dwelling.

(11) (10) Dimensional requirements for buildable lots on the MIRD Plan are as follows:

(a) Frontage requirements:

[1] The total frontage of buildable lots on the MIRD Plan shall be not less than the total frontage of the original lots.

[2] The frontage requirement for two-dwelling lots on the MIRD Plan shall be as follows:

[a] If the original plan is a conventional subdivision, the frontage requirement is that 80% of the frontage requirement provided by the intensity regulations of § 139-16, or the average frontage of the original lots, whichever is less.

[b] If the original plan is a cluster development, the frontage requirement is 20 feet.

[3] There shall be no frontage requirement for one-dwelling lots on the MIRD Plan. However, when a proposed MIRD Plan shows one or more one-dwelling lots with less frontage than the frontage requirement for a two-dwelling lot (as defined in Subsection I(11)(a)[2] above), the following shall apply: The Planning Board shall impose easements and/or other conditions as necessary to ensure adequate access and utility service to such one-dwelling lots; and the Planning Board also may impose building envelopes and/or other conditions that will result in an appropriate placement of dwellings in the subdivision.

(b) The Planning Board also may impose building envelopes and/or other conditions that will result in an appropriate placement of dwellings in the subdivision.

(b)(c) The maximum ground cover ratio for lots on the MIRD Plan shall be the same as that for the original lots.

(e)(d) If the original plan is a conventional subdivision, the lots on the MIRD Plan shall conform to the dimensional requirements in the following table:

	One-Dwelling Minimum Lot Size	Two-Dwelling Minimum Lot Size	Front Setback	Side/Rear Setback
LUG-3	36,000	96,000	15	10
LUG-2	24,000	64,000	15	10

LUG-1	14,000	32,000	15	10
R-2	8,000	16,000	15	5
R-10	4,000	8,000	15	5
R-1, ROH, RC, RC-2, LC	2,000	4,000	10	5

- (e) If the original plan is a cluster development, the lots on the MIRD Plan shall conform to the dimensional requirements in the following table; except that the Planning Board may reduce side or rear setbacks by up to 100% pursuant to § 139-7B(3)(a).

	One-Dwelling Minimum Lot Size	Two-Dwelling Minimum Lot Size	Front Setback
LUG-3	4,500	9,000	15
LUG-2	4,500	9,000	15
LUG-1	4,500	9,000	15
R-2	2,250	4,500	15
R-10	2,000	3,600	15
R-1, ROH, RC, RC-2	2,000	3,200	10

- (12) (11) The Planning Board, in its discretion, may require that a MIRD subdivision shall have common driveways subject to the requirements of § 139-20.1B(3).
- ~~(13) Market rate lots on the MIRD Plan shall be subject to any provisions of § 139-24A (phased development) that may apply to the original lots. Affordable lots shall be exempt from such provisions.~~
- (14) (12) Lots on a MIRD Plan shall not be further subdivided except for minor lot-line adjustments, and such limitation on subdivision shall be noted on the MIRD Plan.
- (15) (13) Nothing in this subsection shall be construed to affect the applicability of the Planning Board's Rules and Regulations Governing the Subdivision of Land.
- (16) (14) Nothing in this subsection shall be construed to prohibit the voluntary imposition of a Nantucket Housing Needs Covenant on a market-rate lot.
- (17) (15) Except as stated above, all other provisions of this Zoning Bylaw shall be applicable to a MIRD subdivision.

(18) (16) The provisions of the § 139-7l shall expire on ~~December 31, 2007.~~
April 30, 2009.

(Board of Selectmen for Planning Board)